IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.M.JAMES

FRIDAY, THE 20TH OCTOBER 2006 / 28TH ASWINA 1928

Bail Appl..No. 5948 of 2006()

CRIME NO.108/2006 OF PERUMPATTY POLICE STATION.

PETITIONERS/ACCUSED:

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1. SANTHOSH KUMAR, S/O. SOMAN PILLAI,
   30 YEARS, KIZHAKKEPARAMBIL VEEDU,
   KOTTANGAL VILLAGE, MALLAPPALLY TALUK,
   PATHANAMTHITTA DISTRICT.

2. SANAL KUMAR, AGED 24 YEARS,
   S/O. PUSHPANGADAN, VALAVANA VEEDU,
   KAINAKARI VILLAGE, KUTTANADU TALUK,
   ALAPPUZHA DISTRICT.

BY ADV. SRI.S.HARIKRISHNAN

RESPONDENTS:

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1. STATE OF KERALA, REPRESENTED BY
   THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA
   ERNAKULAM.

2. THE SUB INSPECTOR OF POLICE,
   PERUMPATTY POLICE STATION, PATHANAMTHITTA DISTRICT

BY PUBLIC PROSECUTOR SRI.P.N.SUKUMARAN.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 20/10/2006, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

J.M. JAMES, J.

Bail Application No. 5948 of 2006

Dated this the 20th October, 2006.

O R D E R

Petitioners are before this Court praying to avert arrest in Crime No.108/2006 of Perumpatty Police Station, for the offence punishable under Section 8(1) & (2) of the Abkari Act, as five litres of spirit has been seized from the adjacent rubber estate, the ownership of which is being alleged against the petitioners.

2. The prosecution submits that at the time of the seizure, the petitioners could not be arrested, as they ran away from the place. It is also submitted by the prosecution that the investigation reveals the petitioners as the person who kept the same. However, these submissions are refuted by the counsel appearing for the petitioner.

3. After going through the facts that are placed before me by either side, I dispose of this application, directing the petitioners to surrender before the Investigating Officer of Perumpatty Police Station, who is investigating the Crime No.108/2006 of that police station, on 27.10.2006, between 9.30 and 10 a.m.

4. The investigating officer shall interrogate the petitioners, and thereafter produce him before the court below, as per the law, on the same day.

5. The learned Magistrate, on production of the petitioners, shall pass appropriate orders, after hearing both sides.

J.M. JAMES,
JUDGE

nj.